

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL ADEFEMI ADEYEMO,
a/k/a ADEKUNLE OLUFEMI ADETILOYE

INDICTMENT

Case No. _____

Violation: 18 U.S.C. §§ 1503 and 2

INTRODUCTION

Obstruction of Justice Conduct in
United States of America v. Adekunle Olufemi Adetiloye,
Criminal No. 3:08-cr-28

1. In May of 2010, the United States Marshal Service transported MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, from Canada to the United States, through an extradition procedure, related to an Indictment filed in the United States District Court for the District of North Dakota.

2. Before his extradition from Canada, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, lived in the Toronto, Ontario, area for several years under the following identity:

- | | | |
|----|-------------------------------|---|
| a. | Name: | Adekunle Olufemi Adetiloye |
| b. | Date of Birth: | January 16, 1971 |
| c. | First Arrival Date in Canada: | January of 2005 |
| d. | Residence History: | Lived and worked only in Nigeria until moving to Canada |
| e. | Reason for Move to Canada: | Avoiding persecution because of sexual orientation |

f. Personal: Never married and no children

3. Upon his arrival in the District of North Dakota on or about May 3, 2010, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, informed a Postal Inspector with the United States Postal Inspection Service that his name was “Adekunle Adetiloye” and that he previously had never been to the United States.

4. From his Initial Appearance and Arraignment, on or about May 4, 2010, and through numerous hearings in the United States District Court for the District of North Dakota, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, stated, during hearings and in written documents provided, to the Court that his name was Adekunle Olufemi Adetiloye and never disclosed an actual or prior identity of Michael Adefemi Adeyemo.

5. On or about February 9, 2011, at the Change of Plea hearing, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, under oath, represented to the United States District Court for the District of North Dakota that his name was Adekunle Olufemi Adetiloye and that he was forty years old, both of which incorporated, repeated, and ratified the identity information that he assumed while living in Canada.

6. On or about March 3, 2011, an officer with the United States Probation and Pretrial Service Office for the District of North Dakota interviewed MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE. During this interview, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI

ADETILOYE, again incorporated, repeated, and ratified the identity assumed while living in Canada, including:

- a. Name: Adekunle Olufemi Adetiloye
- b. Date of Birth: February 16, 1971
- c. Residence History: Lived and worked only in Nigeria until moving to Canada
- d. Reason for Move to Canada: Avoiding persecution and threat of death because of sexual orientation and Christian religion
- e. Personal: Never married and no children

7. Between the Change of Plea hearing on or about February 9, 2011, and the Sentencing hearing on or about January 23, 2012, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, pursued a legal strategy of arguing to the United States District Court for the District of North Dakota in briefs and during hearings: (1) that he did not join the Canada-based fraud scheme, which began in significant part in 2004, until years after the scheme began; (2) that it was impossible for him to have created the scheme or to have had a leadership role in the scheme because he did not live in Canada in 2004 and because he lacked knowledge and sophistication; and (3) that his lack of sophistication and immigration status made him believe that he could not escape the criminal scheme after he joined. Specifically, counsel for MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, stated to the United States District Court:

. . . Mr. Adetiloye and I have talked a great deal about his feelings about this case and what happened here, and what he told me is that his life in

Nigeria was hard and hopeless and when he had the opportunity to come to Canada it was – you might say it was a dream come true for him. He had high expectations of being able to start new, have some new opportunities. But when he got to Canada he found out that life in the west was much more difficult than he had expected. He was not able to make enough money to live and it was difficult for him to survive. And he admits that he got involved in this scheme as a way of – just seemed like it was a way to make some money. He started out just doing some small things but felt once he got involved it was kind of trapped in it, and it was something that he really couldn't get out of because he was in a pretty vulnerable situation because of his status in Canada You know . . . he kind of got into it small and couldn't get out He would ask the Court to consider only this fact, that he really was not the person who designed this scheme. He really was not the person who set this whole thing up

Prior Identity, Education, Work History
and Criminal Charges in the United States

8. MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, lived in the United States from 1989 to 2001, under the names Michael Adefemi Adeyemo and Michael Adefemi Deyemo, dates of birth February 16, 1957, and March 2, 1964.

9. While living in the United States as a permanent resident, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, worked for the United States Postal Service from in or about June of 1992 until in or about June of 1995, and was accepted at two law schools in the United States. First, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, attended Western State College of Law in or about the Spring of 1992, based on an application and documentation to that law school purporting a degree from Bunker Hill Community College in Boston, Massachusetts. Second, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, was accepted at the University of San

Diego School of Law in or about January of 1994 for a Master of Comparative Law degree, based on his application and documentation to that law school purporting graduation from a Nigerian law school.

10. On or about May 9, 2001, a grand jury in the United States District Court for the Central District of California indicted MICHAEL ADEFEMI ADEYEMO, and others, in a fraud scheme involving identity theft and illegal access devices. The warrant issued for this Indictment was never executed because authorities never found MICHAEL ADEFEMI ADEYEMO.

11. In or about May of 2001, MICHAEL ADEFEMI ADEYEMO was living with A.W., a female United States citizen, who, at the time, was pregnant with MICHAEL ADEFEMI ADEYEMO's three children.

12. In or about May of 2001, MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, left the United States with the knowledge that he faced criminal prosecution.

13. In or about December of 2003, A.W. traveled to the Toronto, Ontario, area to visit MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, who, at that time, was living in that area, knew he was the father of A.W.'s three children, and knew there was a warrant for his arrest in California.

COUNT ONE

Obstruction of Justice

The Grand Jury Charges:

1. The grand jury incorporates by reference the factual allegations in paragraphs 1 through 14 of the Introduction of this Indictment.

2. On or about on February 9, 2011, in the District of North Dakota,

MICHAEL ADEFEMI ADEYEMO,
a/k/a ADEKUNLE OLUFEMI ADETILOYE,

did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede the due administration of justice in United States of America v. Adekunle Olufemi Adetiloye, Criminal No. 3:08-cr-28, in the United States District Court for the District of North Dakota, by providing false information to the United States District Court for the District of North Dakota, and others, specifically, by providing false information concerning his name and date of birth that ratified and affirmed a false identity previously created, all for the purpose to mask and conceal the date he joined the fraud scheme and his level of participation in the fraud scheme charged in United States of America v. Adekunle Olufemi Adetiloye, Criminal No. 3:08-cr-28, as well as his prior residence in the United States, and the 2001 outstanding federal criminal arrest warrant for MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE, involving charges of obtaining and using credit cards through fraud;

In violation of Title 18, United States Code, Sections 1503 and 2.

COUNT TWO

Obstruction of Justice

The Grand Jury Further Charges:

1. The grand jury incorporates by reference the factual allegations in paragraphs 1 through 14 of the Introduction of this Indictment.
2. On or about on March 3, 2011, in the District of North Dakota,

MICHAEL ADEFEMI ADEYEMO,
a/k/a ADEKUNLE OLUFEMI ADETILOYE,

did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede the due administration of justice in United States of America v. Adekunle Olufemi Adetiloye, Criminal No. 3:08-cr-28, in the United States District Court for the District of North Dakota, by providing false information to the United States District Court for the District of North Dakota, and others, specifically, by providing the following false information: (1) he had never lived in the United States; (2) his date of birth; (3) ratifying and affirming the fictitious identity created for his refugee application in Canada, including his address history, work history, and reasons for refugee status; (4) ratifying and affirming his fictitious initial arrival date in Canada as January of 2005, all of which was false information, individually and together, and was intended to mask and conceal the date that he joined the fraud scheme and his level of participation in the fraud scheme charged in United States of America v. Adekunle Olufemi Adetiloye, Criminal No. 3:08-cr-28, as well as his prior residence in the United States, education and work background, and the 2001 outstanding federal criminal arrest warrant for

MICHAEL ADEFEMI ADEYEMO, a/k/a ADEKUNLE OLUFEMI ADETILOYE,
involving charges of obtaining and using credit cards through fraud;

In violation of Title 18, United States Code, Sections 1503 and 2.

A TRUE BILL:

/s/ Foreperson
Foreperson

/s/ Christopher C. Myers
CHRISTOPHER C. MYERS
United States Attorney

NWC:vlt